

**FILED**

NOV 30 2007

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2002-1418

11 MARTHA YVONNE FADLIN  
12 aka MARTHA PRASS  
165 Blossom Hill Road, Apt. 86  
13 San Jose, California 95123

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 144887

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about August 2, 1989, the Board of Vocational Nursing and  
23 Psychiatric Technicians issued Vocational Nurse License No. VN 144887 to Martha Yvonne  
24 Fadlin, aka Martha Prass (Respondent). The vocational nurse license was in full force and effect  
25 at all times relevant to the charges brought herein and will expire on November 30, 2008, unless  
26 renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Vocational Nursing and

1 Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the  
2 following laws. All section references are to the Business and Professions Code unless otherwise  
3 indicated.

#### 4 STATUTORY PROVISIONS

5 4. Section 2875 of the Business and Professions Code (Code) provides, in  
6 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
7 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
8 Act.

9 5. Section 2878(a) of the Code, in pertinent part, states:

10 "The Board may suspend or revoke a license issued under this chapter [the  
11 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to the following:

13 "(1) Incompetence, or gross negligence in carrying out usual nursing functions."  
14 . . . .

15 6. California Code of Regulations, title 16, section 2518.5, states:

16 "The licensed vocational nurse performs services requiring technical and manual  
17 skills which include the following:

18 "(a) Uses and practices basic assessment (data collection), participates in  
19 planning, executes interventions in accordance with the care plan or treatment plan, and  
20 contributes to evaluation of individualized interventions related to the care plan or treatment  
21 plan."  
22 . . . .

23 7. California Code of Regulations, title 16, section 2518.6, states:

24 "(a) A licensed vocational nurse shall safeguard patients'/clients' health and  
25 safety by actions which include, but are not limited to the following:  
26 . . . .

27 "(b) A licensed vocational nurse shall adhere to standards of the profession and  
28 shall incorporate ethical and behavioral standards of professional practice which include but are

1 not limited to the following:

2 "(1) Maintaining current knowledge and skills for safe and competent practice;

3 . . .  
4 "(c) A violation of this section constitutes unprofessional conduct for purposes of  
5 initiating disciplinary action."

6 8. California Code of Regulations, title 16, section 2520, states:

7 "As used in Section 2878 "incompetence" means the lack of possession of and the  
8 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
9 exercised by responsible licensed vocational nurses."

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
11 request the administrative law judge to direct a licensee found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct - Incompetence)

16 10. Respondent is subject to disciplinary action under Business and  
17 Professions Code section 2878(a)(1) for unprofessional conduct in that while she was employed  
18 as a Charge Nurse/Treatment Nurse at Westgate Rehabilitation and Specialty Care Center  
19 ("Westgate") in San Jose, California she was incompetent in that she violated section 2520, in  
20 conjunction with section 2518.5(a) of Title 16, California Code of Regulations by failing to use  
21 and practice basic assessment care and treatment for a resident in accordance with the resident's  
22 care plan or treatment plan. The underlying circumstances are as follows:

23 a. On or about March 26, 2000, respondent was assigned as the  
24 charge nurse to provide care for residents on Westgate's Station 3. Resident S.N.<sup>1</sup> was one of the  
25 residents assigned to Station 3. He was an 88 year old man who spoke very little English and he  
26 was admitted to Westgate in January 2000. He was diagnosed with insulin dependent diabetes  
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28 1. Full names will be provided upon request and in the course of discovery.

1 and congestive heart failure. He was able to feed himself with supervision and he required  
2 limited assistance for bed mobility, dressing and personal hygiene. He required assistance for  
3 transfers, walking in the room, use of the toilet, and bathing.

4                   b.       The physician's orders noted that the resident had the risk of  
5 abnormal blood sugars and the orders required that S.N. be monitored for diabetic reaction  
6 (hypoglycemia), which included anxiety, weakness and fatigue. The policy and procedure of the  
7 facility directed staff to perform a blood level test to determine if the blood sugar was in the  
8 normal range. The physician's orders required staff to immediately contact a physician if S.N.'s  
9 blood sugar level rose above 400 or dropped below 60. A blood test administered to S.N. on  
10 March 25, 2000 at 6:30 a.m. indicated that his blood sugar level had dropped from 146 to 76.

11                   c.       On or about March 26, 2000, a Certified Nursing Assistant  
12 (CNA) attempted to wake up Resident S.N. for breakfast but the CNA was unable to arouse the  
13 resident. Respondent was informed about S.N.'s condition and she immediately came to the  
14 resident's room and determined that he was hypoglycemic. Respondent performed a blood sugar  
15 test and found that the resident's blood sugar level was 55 mg/dl. Respondent attempted to give  
16 the resident ½ tube of a glucose substance followed by several teaspoonfuls of liquid orange  
17 juice. The glucose substance came out of the resident's mouth and he was unable to swallow the  
18 orange juice. Respondent then left the resident's room and contacted her supervisor. Respondent  
19 did not contact the physician at this time pursuant to the physician's order to immediately contact  
20 a physician if S.N.'s blood sugar level rose above 400 or dropped below 60.

21                   d.       Respondent and her supervisor together returned to the resident's  
22 room and observed that the resident was making "gurgling" sounds. The supervisor administered  
23 oxygen to the resident and suctioned out several milliliters of liquid. The emergency medical  
24 system was initiated. Paramedics arrived and transported S.N. to Kaiser Hospital. After  
25 respondent called 911, she next telephoned S.N.'s family to notify them of the change in his  
26 condition and thereafter she notified the physician for the first time. S.N. died several days later.

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1 PRAYER

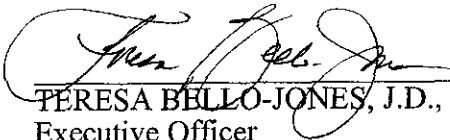
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
4 Technicians issue a decision:

5 1. Revoking or suspending Vocational Nurse License No. VN 144887, issued  
6 to Martha Yvonne Fadlin, aka Martha Prass.

7 2. Ordering Martha Yvonne Fadlin, aka Martha Prass, to pay the Board of  
8 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and  
9 enforcement of this case, pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.  
11

12 DATED: November 30, 2007  
13

14 

15 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
16 Executive Officer  
17 Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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